
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Pesticides (Maximum Residue Levels)
(Amendment etc.) (EU Exit) Regulations 2019**

PART 2

Amendment of retained direct EU legislation relating to maximum residue levels

CHAPTER 1

Regulation (EC) No 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin

Chapter 1

3.—(1) Chapter 1 is amended as follows.

(2) In Article 1, omit “and harmonised Community provisions”.

(3) In Article 2—

(a) in paragraphs 1, 2 and 3, for “covered by Annex I” substitute “listed in Part 1 of the MRLs register in relation to a constituent territory”;

(b) in paragraph 3—

(i) omit “to third countries”;

(ii) omit “third” in the second place it occurs;

(c) omit paragraph 4.

(4) In Article 3—

(a) for the heading substitute “**Definitions: general**”;

(b) in paragraph 1, for “Article 2, points 1 and 4 of Directive 91/414/EEC(1)” substitute “Article 2(1) and (2) of Regulation (EC) No 1107/2009”;

(c) in paragraph 2—

(i) before point (a) insert—

“(za) ‘Regulation (EC) No 1107/2009’ means Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market;

(zb) ‘MRLs register’ means the register maintained in accordance with Article 46A;

(zc) ‘the Department’ means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”;

(ii) in point (a), in the second sentence—

(1) OJ No L 230, 19.8.1991, p 1, which was repealed by Regulation (EC) No 1107/2009 of the European Parliament and of the Council (OJ No L 309, 24.11.2009, p 1).

- (aa) for the words from “, in conformity with” to “in a given climate zone” substitute “of the principles of integrated pest management referred to in Article 14 of and Annex 3 to [Directive 2009/128/EC](#) of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides⁽²⁾”;
 - (bb) at the end, insert—
 - “, and for these purposes Article 14 of [Directive 2009/128/EC](#) is to be read as if—
 - (i) obligations on Member States were obligations on the competent authorities;
 - (ii) paragraph 3 were omitted.”;
 - (iii) in point (c)—
 - (aa) omit “as defined in Article 2, point 1 of [Directive 91/414/EEC](#)”;
 - (bb) for “covered by Annex I to this Regulation” substitute “listed in Part 1 of the MRLs register in relation to a constituent territory”;
 - (iv) in point (g)—
 - (aa) in the first indent, for “the Community” substitute “a constituent territory”;
 - (bb) in the second indent, omit “Community”.
- (5) After Article 3 insert—

“Article 3A

Definitions: “competent authority” and “constituent territory”

1. In this Regulation, a reference to a competent authority or a constituent territory is to be interpreted in accordance with the provisions of this Article.
 2. The Secretary of State is the competent authority for the constituent territory of England.
 3. The Welsh Ministers are the competent authority for the constituent territory of Wales.
 4. The Scottish Ministers are the competent authority for the constituent territory of Scotland.
 5. The Department is the competent authority for the constituent territory of Northern Ireland..”.
- (6) In Article 4—
- (a) in the heading, omit “harmonised”;
 - (b) in paragraph 1—
 - (i) in the first sentence, for the words from “harmonised MRLs” to the end substitute “MRLs apply in relation to a constituent territory must be established and maintained by the competent authority in a list in Part 1 of the MRLs register”;
 - (ii) omit the second sentence;
 - (iii) in the third sentence—
 - (aa) for “Annex I” substitute “A list in Part 1 of the MRLs register in relation to a constituent territory”;

(2) OJ No L 309, 24.11.2009, p 71, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p 1).

- (bb) omit “harmonised”;
- (c) for paragraph 2 substitute—
 - “2. A competent authority may add, amend or remove an entry from the list in Part 1 of the MRLs register accordingly as the competent authority considers appropriate.
 - 3. The Secretary of State may exercise a function under this Article instead of the competent authority—
 - (a) in relation to Wales, with the consent of the Welsh Ministers;
 - (b) in relation to Scotland, with the consent of the Scottish Ministers;
 - (c) in relation to Northern Ireland, with the consent of the Department.”.
- (7) For Article 5 substitute—

“Article 5

Active substances for which no MRLs are required

- 1. A competent authority must establish and maintain a list in Part 4 of the MRLs register of active substances evaluated under Regulation (EC) No 1107/2009 for which MRLs are not required in relation to its constituent territory, taking into account the uses of those active substances and the matters referred to in Article 14(2)(a), (c) and (d).
- 2. A competent authority must update the MRLs register accordingly as soon as reasonably practicable—
 - (a) after first establishing a list in accordance with paragraph 1, and
 - (b) after adding to or removing an entry from that list.
- 3. The Secretary of State may exercise a function under this Article instead of the competent authority—
 - (a) in relation to Wales, with the consent of the Welsh Ministers;
 - (b) in relation to Scotland, with the consent of the Scottish Ministers;
 - (c) in relation to Northern Ireland, with the consent of the Department.”.